

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1720.01
COMPLAINT INVESTIGATOR: Sandie Scudder
DATE OF COMPLAINT: March 22, 2001
DATE OF REPORT: April 19, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: June 11, 2001

COMPLAINT ISSUES:

Whether the MSD of Pike Township and the West Central Joint Services violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:
 - a. failing to provide a monitor on the school bus;
 - b. failing to provide a male instructor, assistant or behavioral specialist to assist the student with the annual goal to increase independence in public restroom.
- 511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record:
 - a. regularly monitored the implementation of the student's IEP; and
 - b. ensured that supplementary aids and services, program modifications, and supports for school personnel are provided in accordance with the IEP, specifically two weeks of training for teacher assistants.

The complaint originally included an allegation that the school failed to provide a one-to-one assistant in accordance with the IEP, but the parent withdrew the allegation during the course of the investigation.

FINDINGS OF FACT:

1. The student (Student) is 12 years old and eligible for special education and related services as a student with autism, a moderate mental disorder, and a communication disorder.
2. The special transportation form attached to the IEP dated May 26, 2000, states that the "Student requires direct supervision to address behaviors." The only adaptation/modification indicated on the IEP dated January 24, 2001, states that the Student is to choose his own seat on the bus.
3. The Local Director of Special Education (Director) states that a monitor was periodically on the Student's bus through March 2001 and acknowledges that the lack of a full-time monitor was contrary to the Student's May 26, 2000, IEP. A permanent monitor was placed on the Student's bus beginning April 10, 2001.
4. The May 26, 2000, IEP states that one of the Student's annual goals is to function independently in public restrooms. The short-term objectives for this goal are to be implemented by a male instructor, a male assistant, or the Student's behavior specialist. The School reports it was unable to hire a male assistant for the Student. The Student's classroom teacher, who is also the teacher

of record (TOR), was aware of this goal, but discerned early in the school year that the Student appeared to be independent in this skill area. The TOR subsequently contacted the Student's private behavior specialist who advised that, when he (the behavior specialist) made his twice monthly visits to the School, he would monitor the Student's skills in this area. The TOR then contacted the complainant about this goal, and the Complainant stated that this goal was not be "worked on" at School, that is was to be worked on only at home. The TOR discontinued any efforts on this goal and the related short-term objectives.

5. The IEP dated May 26, 2000, indicates that there would be a "2 week training of new aide for 6th grade". The Director acknowledges that this training did not occur because the aide was not hired until immediately prior to school, and there was no time for the training to occur. The TOR did not take any subsequent action to ensure that this training was provided.
6. In monitoring the Student's IEP, the TOR regularly communicates or personally meets with staff working with the Student to ensure the IEP is being implemented. The TOR also observes staff working with the Student.

CONCLUSIONS:

- 1a. Findings of Fact #2 and #3 indicate that the Student's IEP required the school to provide direct supervision for the Student while being transported, but the school did not ensure a monitor was consistently on the bus until April 2001. Therefore, a violation of 511 IAC 7-27-7(a) occurred.
- 1b. Finding of Fact #4 reflects that a male instructor or assistant or the Student's behavior specialist was to implement the short-term objectives related to the goal of increasing the Student's independence in utilizing public restrooms. Although there appears to be some confusion between the School and the parent about the implementation of this goal, the School failed to provide the identified individual. Therefore, a violation of 511 IAC 7-27-7(a) occurred.
- 2a. Findings of Fact #4, #5, and #6 indicate that the TOR engages in a number of activities in order to monitor the implementation of the Student's IEP. However, the TOR did not implement one of the Student's goals, and actually discontinued implementation of the goal without the benefit of a CCC decision. Therefore, a violation of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 is found on this issue.
- 2b. Finding of Fact #5 reflects that, the Director acknowledges that training identified in the IEP was not provided to the aide. The TOR did not ensure that this training was provided to the aide. Therefore, a violation of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 is found on this issue.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Pike Township and West Central Joint Services shall:

1. reconvene the CCC to:
 - a. review the Student's annual goals to ensure the parent, TOR, and other personnel understand how the goals will be implemented, where the goals will be implemented, and who is responsible for implementing the goals; and
 - b. determine the need for any compensatory services as the result of not implementing the short-term objectives related to the goal of independent functioning in public restrooms and

the failure to provide training to the aide.

A copy of the CCC Report/IEP must be submitted to the Division no later than May 11, 2001.

2. send a written reminder to all teachers of record regarding all of the responsibilities identified in 511 IAC 7-27-7(a) and 511 IAC 7-17-72, that includes an explanation of how these responsibilities are to be carried out. **A copy of the written reminder and a list of all recipients shall be submitted to the Division no later than May 11, 2001.**

DATE REPORT COMPLETED: April 19, 2001